

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

BRIAN ARDEN RICHMOND,

Petitioner,

v.

CIVIL ACTION NO. 5:03-0076

CRIMINAL ACTION NO. 5:99-00239-01

UNITED STATES OF AMERICA,

Respondent.

JUDGMENT ORDER

By Standing Order entered on May 30, 2002, and filed in this case on January 31, 2003, this matter was referred to United States Magistrate Judge R. Clarke VanDervort. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge VanDervort to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation on February 2, 2006. The magistrate judge made the following recommendations: (1) that the court confirm and accept the magistrate judge's findings, (2) that the court grant petitioner's motion to toll the statute of limitations (Doc. No. 233), (3) that the court deny petitioner's motion under 28 U.S.C. § 2255 (Doc. No. 234), and Addendum (Doc. No. 272), and (4) that the court remove this case from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which


to file any objections to Magistrate Judge VanDervort's Proposed Findings and Recommendation.

Petitioner filed his objections on February 16, 2006. The court has conducted a de novo review of the record as to all of the objections. For reasons to be discussed in a memorandum opinion to be filed forthwith, the court OVERRULES the plaintiff's objections. The court further (1) CONFIRMS and ACCEPTS the magistrate judge's findings, (2) GRANTS petitioner's motion to toll the statute of limitations (Doc. No. 233), (3) DENIES petitioner's motion under 28 U.S.C. § 2255 (Doc. No. 234), and Addendum (Doc. No. 272), and (4) DIRECT the Clerk to dismiss this case and remove it from the court's docket.

The Clerk is directed to forward a copy of this Order to the plaintiff, pro se, and to all counsel of record.

IT IS SO ORDERED this 27th day of February, 2006.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge